

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS (DALLAS)**

**IN RE:**

**BARBARA JEAN MAINE,**  
  
**Debtor**

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**CASE NO. 18-32576-sgj13**

**CHAPTER 13**

**HEARING DATE AND TIME:**

**OBJECTION TO CONFIRMATION BY WILMINGTON SAVINGS FUND SOCIETY,  
FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust A, its successors and/or assigns ("Creditor")<sup>1</sup>, a secured creditor and party in interest, and pursuant to 11 U.S.C. §§1322 (b)(2), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files its Objection to Debtor's proposed Chapter 13 Plan ("Plan"), and in support thereof would respectfully show the Court as follows:

**BACKGROUND**

1. Debtor filed a voluntary petition under Chapter 13 of Title 11, United States Bankruptcy Code on August 4, 2018.

2. On November 30, 2000, a Note (the "Note") was executed by Debtor to First Consolidated Mortgage Company, a Corporation in the original principal sum of \$171,900.00 which

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<sup>1</sup> Carrington Mortgage Services is the servicer of the subject loan. Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust A is the current owner of the subject loan.

is secured by a Deed of Trust of even date therewith granting a lien against real estate located at 3229 Creek Meadow Lane, Garland, Texas 75040 ("Property"). Copies of the Note and Deed of Trust will be attached to Creditor's forthcoming proof of claim to be filed in this case.

3. The total debt due and owing to Creditor as of the Petition Date was \$256,428.75 as will be evidenced by Creditor's forthcoming secured proof of claim ("Proof of Claim").

4. The bar date for the filing of the Proof of Claim is after the confirmation hearing scheduled in this case. Creditor is in the process of preparing its Proof of Claim. Creditor asserts this Objection to preserve its rights and to assist in the efficient administration of the confirmation process.

#### **OBJECTION TO PROPOSED PLAN**

5. Creditor objects to confirmation of the Plan because the Plan understates the pre-petition arrears due and owing under the Note. Debtors' Plan incorrectly states that there is only \$25,400.00 due in arrearages when, in fact, Creditor is entitled to full payment of its secured pre-petition arrearage claim pursuant to the Note and Deed of Trust in the amount of \$43,670.00 as of August 4, 2018. Creditor therefore objects to the proposed treatment of its secured claim.

6. Because the arrears listed for Creditor are understated, the Chapter 13 Plan may not be feasible.

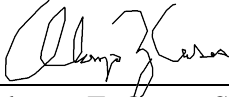
7. Because Creditor was forced to file this Objection to Confirmation to protect its secured interest in the subject real property, it has incurred reasonable attorneys' fees.

#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Creditor prays that this Court deny

confirmation of the Plan as proposed, award attorneys' fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully Submitted,

By:  \_\_\_\_\_

Alonzo Z. Casas, SBN 24097469

**ATTORNEY FOR CREDITOR**

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Telephone: (713) 293-3610

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**Mailing Address**

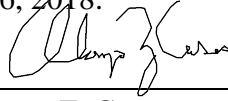
4375 Jutland Drive, Suite 200

P.O. Box 17933

San Diego, CA 92177-0933

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Objection to Confirmation* has been served upon the following parties via electronic means through the Court's CM/ECF system or by pre-paid regular first class U.S. Mail on September 26, 2018.



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Alonzo Z. Casas

**DEBTOR'S ATTORNEY**

**(via electronic notice)**

Lawrence Herrera  
Law Office of Lawrence Herrera  
4717 W. Lovers Lane  
Dallas, TX 75209  
lherrera@flash.net

**DEBTOR**

Barbara Jean Maine  
3229 Creek Meadow Lane  
Garland, TX 75040

**TRUSTEE**

**(via electronic notice)**

Thomas Powers  
105 Decker Court, STE 1150  
Irving, TX 75062  
cmecf@dallasch13.com

**U. S. TRUSTEE**

**(via electronic notice)**

U.S. Trustee  
Department of Justice  
1100 Commerce Street Room 976  
Dallas, TX 75242  
ustpreion06.da.ecf@usdoj.gov

**PARTIES REQUESTING NOTICE**

**(via electronic notice if so designated for receipt of such in CM/ECF)**